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Commissioner for Patents
PO Box 1450
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Art Unit 1655

Attn: Mail Stop Amendment

Re: U.S. Utility Patent Application
Application No. 10/685,802; Filed: October 16, 2003
For: **Dry Powder Cells and Cell Culture Reagents and Methods of Production
Thereof**
Inventors: FIKE *et al.*
Our Ref: 0942.4290008/SRL/FRC

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Reply to Election of Species Requirement; and
2. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.


Frank R. Cottingham
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FRC/pcd
Encls.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

FIKE *et al.*

Appl. No. 10/685,802

Filed: October 16, 2003

For: **Dry Powder Cells and Cell
Culture Reagents and Methods of
Production Thereof**

Confirmation No.: 5140

Art Unit: 1655

Examiner: Flood, M. C.

Atty. Docket: 0942.4290008/SRL/FRC

Reply to Election of Species Requirement

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Office Action dated **July 26, 2006**, requesting an election of a single species of ingredient as recited in claims 93 and 103-106, and a single species of powder media as recited in claims 97-102, for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable, Applicants hereby elect the following species:

- Ingredient: fatty acid (as recited in claim 105). Claims 2, 11-14, 92, 93, 97-102, 105, 107 and 108 read on the elected species of ingredient.
- Powder media: agglomerated eukaryotic medium powder for culturing an animal cell (as recited in claim 97). Claims 2, 11-14, 92, 93, 97 and 103-108 read on the elected species of powder media.

These elections are made **without** traverse. However, Applicants respectfully remind the Examiner that, upon allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all of the limitations of the allowed generic claim.

It is not believed that extensions of time are required beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. §1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Consideration and allowance of all pending claims are respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Frank R. Cottingham
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Date: AUG. 17, 2006

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